SBCivil Writ Petition No.4211/2006

State of Rajasthan & Ors.
Vs.
Shri Krishna Sharma & Anr.

Date of Order :: 22nd August, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Shyam Ladrecha, Addl.Govt.Advocate.
Mr. Arjun Purohit, for the respondent.

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By this petition for writ a challenge is give to the validity, correctness and propriety of the order dated 19.2.2004 passed by learned Judge, Labour Court, Sriganganagar exercising powers under Section 33-C(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as “the Act of 1947”). By the order impugned while accepting the application preferred by the respondent workman to determine the amount due, the court below ordered for making fixation of the workman at Rs.2910 w.e.f. 4.2.1999 in the pay scale of Rs.2610-3540. The court below also declared the respondent workman entitled for dearness allowance, house rent allowance and other admissible allowances.

It is contended by counsel for the petitioners that the Labour Court while accepting the application under Section 33-C(2) of the Act of 1947 erred as the issue with regard to fixation in regular pay scale is yet not settled.

Heard counsel for the parties and perused the record.

The respondent workman preferred application under Section 33-C(2) of the Act of 1947 for execution of rights accrued in his favour under the award dated 20.9.2000 passed by Labour Court, Sriganganagar. By the award referred above the Labour Court while setting aside retrenchment of the respondent workman declared him entitled for reinstatement in service with back wages in a tune of 50% of thats total. It is pertinent to note that at the time of retrenchment the respondent workman was already fixed in regular pay scale and was getting the pay accordingly, meaning thereby, on reinstatement in service he was entitled to be fixed in regular pay scale. Learned Labour Court while accepting the application under Section 33-C(2) of the Act of 1947 has, therefore, made an order for fixation of the respondent workman's pay in the regular pay scale. The entitlement of the respondent workman for fixation of pay in regular pay scale was already settled being getting pay in regular pay scale at the time of retrenchment.

In view of it, I do not find any force in the contention of counsel for the petitioners that entitlement of the workman with regard to fixation in regular pay scale was not settled. No interference in

present matter under Articles 226 and 227 of the Constitution of India for the reason mentioned above is required.

The writ petition is accordingly dismissed.

(GOVIND MATHUR),J.

kkm/ps.